THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 32321 OF 1998

Dated 9th April, 2007

Between:

Sirimala Devika Rani

…Petitioner

And

The Government of Andhra Pradesh,
represented by its Secretary, Home Department,
Secretariat, Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner questioned the notice issued by the third respondent asking the petitioner and her husband to be present at the disputed land i.e. land in Survey No. 646, 648/1 to an extent of Ac.38.64 cents situated at Sitampet village, T.Narsapuram Mandal, West Godavari District.

There was a dispute with regard to extent and boundaries between the husband of the petitioner on one hand and respondents 4 to 7 on the other hand and on the request made by the respondents 4 to 7, the authorities under the Survey and Boundaries Act were to survey the land on 14.11.1998 for fixation of boundaries. On the request made by the respondents 4 to 7 to maintain the law and order, notice was given to the petitioner to be present on the above said date i.e. on 14.11.1998 at 10 a.m. It is the case of the petitioner that there is no such power vested in the third respondent for issuance of the notice.

In the counter affidavit filed on behalf of the respondents, it is stated that the husband of the petitioner is a habitual offender and is involved in several crimes and he was also convicted in two cases. It is stated that in view of the dispute with regard to extent of land between the two parties i.e. husband of the petitioner on one hand and respondents 4 to 7 on the other hand, a Surveyor was deputed to admeasure the lands and demarcate the boundaries on 14.11.1998. In connection with the same, the impugned notice was issued. But, however, in the counter affidavit it is stated that demarcation of lands was not done on 14.11.1998 and no need for bandobust had arisen.

The notice was issued requiring the petitioner and her husband to be present only on 14.11.1998 in view of the proposed survey, which was to be conducted on the said date. As it is stated that survey itself was not taken up on the said date and no bandobust was necessary and as the notice was issued to the petitioner and her husband to be present only on the specified date i.e. 14.11.1998, the very subject matter has become infructuous. Therefore, no further adjudication of the matter is necessary and the writ petition is accordingly closed. No costs.

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9-4-2007

R.SUBHASH REDDY, J.

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